

Department of Homeland Security  
Bureau of Customs and Border Protection

## Notice of Rights and Request for Disposition

File No: \_\_\_\_\_

Name: \_\_\_\_\_

### NOTICE OF RIGHTS

You have been arrested because immigration officers believe that you are illegally in the United States. You have the right to a hearing before the Immigration Court to determine whether you may remain in the United States. If you request a hearing, you may be detained in custody or you may be eligible to be released on bond, until your hearing date. In the alternative, you may request to return to your country as soon as possible, without a hearing.

You have the right to contact an attorney or other legal representative to represent you at your hearing, or to answer any questions regarding your legal rights in the United States. Upon your request, the officer who gave you this notice will provide you with a list of legal organizations that may represent you for free or for a small fee. You have the right to communicate with the consular or diplomatic officers from your country. You may use a telephone to call a lawyer, other legal representative, or consular officer at any time prior to your departure from the United States.

### REQUEST FOR DISPOSITION

- \_\_\_\_\_  
Initials
- ☐ I request a hearing before the Immigration Court to determine whether or not I may remain in the United States
- \_\_\_\_\_  
Initials
- ☐ I believe I face harm if I return to my country. My case will be referred to the Immigration Court for a hearing.
- \_\_\_\_\_  
Initials
- ☐ I admit that I am in the United States illegally, and I believe I do not face harm if I return to my country. I give up my right to a hearing before the Immigration Court. I wish to return to my country as soon as arrangements can be made to effect my departure. I understand that I may be held in detention until my departure.

\_\_\_\_\_  
Signature of Subject

\_\_\_\_\_  
Date

### CERTIFICATION OF SERVICE

- ☐ Notice read by subject
- ☐ Notice read to subject by \_\_\_\_\_, in the \_\_\_\_\_ language.

\_\_\_\_\_  
Name of Service Officer (Print)

\_\_\_\_\_  
Name of Interpreter (Print)

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Date and Time of Service



## U.S. Department of Homeland Security

## Notice of Rights and Request for Disposition

Alien's Name: \_\_\_\_\_

FINS #: \_\_\_\_\_

A Number (if any): \_\_\_\_\_

Event No: \_\_\_\_\_

A- \_\_\_\_\_

**Your Rights.**

You have been arrested because Immigration Officers believe that you are illegally in the United States. When you are arrested in the United States you have certain rights. No one can take these rights away from you. This paper explains your rights.

**You have the right to use the telephone.**

You may call your mother or father or any other adult relative. You may call your adult friend. If you do not know how to use a telephone, the immigration agent will help you.

**You have the right to be represented by a lawyer.**

Attached to this paper is a list of lawyers who can talk to you, and help you, for free. A lawyer can fully explain all your rights to you, and can represent you at a hearing.

**You have the right to a hearing before a judge.**

The judge will decide whether you must leave or whether you may stay in the United States. If for any reason you do not want to go back to your country, or if you have any fears of returning, you should ask for a hearing before a judge. If you do not want to have a hearing before a judge, you may choose to go back to your country without a hearing.

**Reading this Notice:**

☐ I have read this notice.

☐ This notice has been read to me.

**Right to Use Telephone:**

- ☐ I have contacted my parent(s) or a legal guardian by telephone.
- ☐ I have contacted an adult friend or relative by telephone.
- ☐ I do not want to talk to anyone by telephone.

**Completion of the following is optional:**

The person contacted is: (Relationship)

The person contacted is: (Name)

**Right to be Represented by a Lawyer:**

- ☐ I have spoken with a lawyer.
- ☐ I do not want to speak with a lawyer.

**Right to a Hearing:**

- ☐ I understand my right to a hearing before a judge.

- ☐ I request a hearing before a judge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

☐ I do not want a hearing before a judge.

I am in the United States illegally and ask that I be allowed to return to my country, which is named below.

Country: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## INSTRUCTIONS TO OFFICERS

This advisal is required to be given to all persons who are taken into custody and who appear, are known, or claim to be under the age of eighteen and who are not accompanied by one of their natural or lawful parents. No such person can be offered or permitted to depart voluntarily from the United States except after having been given this notice.

The required procedure distinguishes between two classes of minors.

1) The first class are those minors apprehended in the immediate vicinity of the border and who permanently reside in Canada or Mexico. These persons shall be informed that they have a right to make a telephone call to any of the persons mentioned in the notice. The purpose of this call is so that they can seek advice as to whether they should voluntarily depart or whether they should request a deportation hearing. We are required to make a record of any refusal to accept our offer of a telephone call.

2) As to all other minors, *they must not only be given access to a telephone, they must establish communication, telephonic or otherwise, with one of the persons listed in the notice* before they can be offered voluntary departure.

The DHS retains the right to decide when to allow telephone calls. The only prohibition is that the minor cannot be asked to voluntarily depart until after telephone access is provided. If the minor is not offered voluntary departure but is put into deportation proceedings by issuance of a Notice to Appear, this procedure is not necessary. It is our duty to make reasonable efforts to contact the person of the minor's choice, but after unsuccessful efforts to reach that person, we can facilitate contact with another such person. Whenever the minor elects to pursue a process, such as a call to a foreign country, which is operationally unacceptable, we can always proceed to issue a Notice to Appear.

The minor must tell the type of person that he/she talked to but need not give us that person's name or identifying information. If a minor, *of his/her own volition*, asks to contact a consular officer, this will satisfy the requirements of the notice.

The officer need not read the notice to the minor unless the minor is under 14 years of age, or unable to understand the notice. The officer must ask the minor whether he/she wanted to make a call, whether a communication was made and, if made, to whom. The officer must also verify whether the minor wanted voluntary departure or a hearing, and must sign and date the form to show this was done.

**Officers are not to offer any advise to any minor as to what he/she should or should not do.**

### To be completed by the Officer:

**I verify that:** \_\_\_\_\_ **A-** \_\_\_\_\_

- 1.a. ☒ The subject named was given this notice to read.
- b. ☒ I read this notice to the name subject in the following language: \_\_\_\_\_
2. ☐ I asked this subject whether he/she wanted to make a telephone call, and offered assistance in the use of the telephone.
- 3.a. ☐ The subject told me that he/she did not want to make a telephone call, or
- b. ☐ The subject told me that he/she established communication and the form was marked to indicate it;
- c. ☐ The subject was unable to establish telephone communication with the desired individual. The following number of attempts were made: 0
- 4.a. ☐ The subject requested a hearing.
- b. ☒ The subject admitted deportability and requested to return to his/her country voluntarily, without a hearing.
- 5.a. ☐ A Notice to Appear was issued because, the subject was unable to establish contact with any of the individuals specified after making the number of attempts indicated above (Item 3 c), and after assistance to establish contact was given or offered.

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Date